

ORIGINAL

Decision No. 43190

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MONROE YOUNG for Radial Highway Common)
Carrier Permit.)

Application No. 15-4398

Kenneth Bates, for applicant.

O P I N I O N

This is an application of Monroe Young for a radial highway common carrier permit. A public hearing was held in Bakersfield on July 13, 1949, before Examiner Gannon and the matter was submitted.

The record shows that Young was granted a permit on August 19, 1941, which was revoked September 16, 1942, because of failure to pay fees pursuant to the Transportation Rate Fund Act. (Statutes 1935, Chap. 683, as amended). Between the dates March 29, 1943, and April 20, 1945, four different permits were issued, all of them having been revoked because of failure to keep on deposit continuous adequate insurance, as provided for in Section 5 of the Highway Carriers' Act (Statutes 1935, Chap. 223, as amended). On June 10, 1949, the then current permit was revoked for failure to pay fees. The record therefore shows a total of six revocations over a period of eight years.

Applicant had full knowledge of the Commission's intention to revoke his permits. Exhibit No. 3, offered by the Commission's Field Division, is a printed form, dated May 20, 1949, and directed to the applicant, calling attention to the fact that his fees for the quarter ending March 31, 1949, were delinquent, and that failure

to pay such fees within 10 days would result in revocation of the permit without further notice. This notice was followed by another, dated June 13, 1949, advising applicant that his permit No. 15-2692 was revoked, effective June 10, 1949, for failure to pay the aforementioned quarterly fees. The revocation notice also contained instructions to the applicant to immediately discontinue all operations as such carrier.

The record is clear that Young continued to operate after receiving the notice of revocation dated June 13, 1949. A violation was observed by a Field Representative on June 21, 1949, and a complaint filed in the Justice's Court of Kern County, California (No. 2533). Applicant was found guilty of a violation of Section 3 of the Act on June 30, 1949, and was fined \$25.00.

While there are some circumstances that might appear extenuating, they are not of sufficient weight to offset the long record of violations. Young testified that he mailed a check for \$27.16 to the Commission on May 16, 1949, in payment of fees for the first quarter of 1949, but that the cancelled check was never returned to him. As proof of this he produced the check stub. The Commission's records show that no check in that amount was received on or about that date, but a postal money order in the sum of \$30.16 was received on or about June 25, 1949. He testified that he did not receive notice from the Commission on May 20, 1949, advising him of the Commission's intention to revoke his permit, but that he did receive actual notice of such revocation. The testimony shows that on three occasions checks were returned to him because of insufficient funds, but these checks were redeemed when referred back to Young.

A financial statement, attached to the application, purports to show, among other things, a surplus of \$167,000. Obviously this figure is drawn out of the air and has no basis in fact. The applicant's testimony was very hazy as to the manner in which the statement was compiled.

The record in this proceeding is not such as would warrant the Commission in granting the application for a new permit. Giving applicant the benefit of every doubt, his record of deliberate violations of the law is not consonant with our conception of proper operation of the type of business in which applicant was engaged. He is in no position to complain, since the violations charged against him are flagrant, repeated, and inexcusable. That is the finding of the Commission in this proceeding. The application will be denied.

O R D E R

Application as above entitled having been filed, a public hearing having been held thereon, the matter having been submitted and the Commission being fully advised in the premises,

IT IS ORDERED that the above entitled and numbered application be, and it hereby is, denied.

The effective date of this order shall be 20 days after the date hereof.

Dated at San Francisco, California, this 9th day of August, 1949.

A. J. Anderson

W. D. Powell

Herbert P. ...
Commissioners